

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 2, 2001

There are no minutes for this date.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 3, 2001

C030891 THE PEOPLE v. WALKER (Certified for Partial Publication)
The judgment is modified to stay the sentences imposed on counts 4 and 5 (case No. 62-344) pending defendant's completion of the other terms of his sentence, at which time the stays shall become permanent. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification, and to send a certified copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
I concur: Callahan, J.
I dissent from the majority view that the defendant may be punished twice for the same omission of willfully failing to appear as required while released from custody on bail from a pending felony charge...
 Blease, J.

April 4, 2001

C034172 THE PEOPLE v. BRYAN (Not for Publication)
The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Raye, J.
 Hull, J.

**C033915 SUTTER MERCED MEDICAL CENTER v. STATE DEPARTMENT OF
HEALTH SERVICES (Not for Publication)**
The judgment is affirmed.
 DAVIS, J.
We concur: Blease, Acting P.J.
 Hull, J.

**C033482 EAST QUINCY SERVICES DIST. v. GENERAL ACCIDENT
INSURANCE COMPNAY OF AMERICA, DEPARTMENT OF
INDUSTRIAL RELATIONS, DIVISION OF LABOR STANDARDS
ENFORCEMENT (Certified for Publication)**
The opinion in the above entitled matter filed on March 20, 2001, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.
FOR THE COURT:
 Davis, Acting P.J.
 Hull, J.
 Kolkey, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 4, 2001, continued

C035111 HILLERY v. RAMIREZ (Not for Publication)

The order appealed from is affirmed.
CALLAHAN, Acting P.J.
We concur: Hull, J.
 Kolkey, J.

**C035672 In re THERESA G. et al., SACRAMENTO COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES v. THERESA G.**

(Not for Publication)

The order denying appellant de facto parent status is affirmed.
CALLAHAN, J.
We concur: Scotland, P.J.
 Davis, J.

April 5, 2001

C030540 THE PEOPLE v. RODGERS (Not for Publication)

The judgment is modified to strike the criminal laboratory analysis fee of \$50 pursuant to Health and Safety Code section 11372.5, subdivision (a), as to count three, and to add a \$400 parole revocation fine with respect to case no. 97F00620. Except as modified, the judgment is affirmed. The matter is remanded to the trial court with directions to amend the abstract of judgment in accordance with this opinion (including the memorialization of the omitted \$400 restitution fine pursuant to Penal Code section 1202.4 for case no. 97F00620), and to forward a certified copy thereof to the Department of Corrections.
KOLKEY, J.
We concur: Nicholson, Acting P.J.
 Callahan, J.

C034509 THE PEOPLE v. TORRES (Not for Publication)

The judgment is modified to include a suspended \$500 restitution fine pursuant to section 1202.45. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.
DAVIS, Acting P.J.
We concur: Raye, J.
 Kolkey, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

April 5, 2001, continued

- C035006 THE PEOPLE v. STEWART (Not for Publication)**
The judgment is affirmed.
 DAVIS, J.
We concur: Scotland, P.J.
 Callahan, J.
- C035346 POCAN et al. v. GREGORY et al. (Not for Publication)**
The judgment is modified to reduce the defendants' damages to \$12,900 and to grant judgment in favor of plaintiffs in the amount of \$87,100. The case is remanded for a determination of the amount of prejudgment interest, costs, and attorney fees to be awarded to plaintiffs. Plaintiffs shall recover their costs on appeal.
 BLEASE, Acting P.J.
We concur: Nicholson, J.
 Morrison, J.
- C035519 In re TODD S., THE PEOPLE v. TODD S. (Not for Publication)**
The judgment (order of wardship) is reversed. On remand, the minor shall be allowed to withdraw his admission that he possessed a knife.
 BLEASE, Acting P.J.
We concur: Raye, J.
 Hull, J.
- C035622 In re DEVIN C. et al., SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. CHRISTINA C. (Not for Publication)**
The order denying appellant reunification services pursuant to section 361.5, subdivision (b)(6), is reversed and the case is remanded for further proceedings. In all other respects, the judgment is affirmed.
 DAVIS, Acting P.J.
We concur: Nicholson, J.
 Raye, J.
- C032607 ROSENAUR v. SCHERER et al. (Certified for Publication)**
C033331 The opinion in the above-entitled matter filed on March 6, 2001, was not **certified** for **publication** in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so **ordered**.
FOR THE COURT:
 Blease, Acting P.J.
 Raye, J.
 Kolkey, J.

**COURT OF APPEAL
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The Minutes

April 5, 2001, continued

**C032640 THE COMMITTEE TO SAVE FALL RIVER et al. v. COUNTY OF
SHASTA, FALL RIVER RANCH (Not for Publication)**
THE COURT:
It is ordered that the opinion filed herein on March 29, 2001, be modified
as follows:...There is no change in the judgment.
FOR THE COURT:
Blease, Acting P.J.
Callahan, J.
Hull, J.

April 6, 2001

C033675 THE PEOPLE v. LYDA (Not for Publication)
The judgment of conviction is affirmed as to possession of
methamphetamine in count 1, the true finding defendant was previously
convicted of robbery in count 2, and the true findings defendant
previously served prison terms in counts 3, 5, and 6. The true findings
are reversed in count 2 with respect to the prior Florida convictions, and
the one-year enhancement in count 4 is stricken. The sentence is
vacated, and the matter remanded for a new trial on the allegation
defendant's prior Florida conviction in case No. 85-125-CF was a serious
felony under the Three Strikes law, a new sentencing hearing, and further
proceedings consistent with this opinion.
CALLAHAN, J.
We concur: Davis, Acting P.J.
Raye, J.

C035726 THE PEOPLE v. PARKER (Not for Publication)
The judgment is affirmed.
CALLAHAN, J.
We concur: Scotland, P.J.
Davis, J.

C036509 THE PEOPLE v. XIONG (Not for Publication)
The judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
Morrison, J.

**COURT OF APPEAL
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The Minutes

April 6, 2001, continued

- C036847 THE PEOPLE v. THURSTON (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections.
NICHOLSON, J.
We concur: Scotland, P.J.
 Morrison, J.
- C036723 REDDING RANCHERIA v. SHASTA COUNTY SUPERIOR COURT, HANSARD (Certified for Publication)**
Let a writ of mandate issue, commanding the trial court to vacate the order denying the Tribe's motion to quash and to enter a new order granting the motion. Plaintiff shall pay the Tribe's costs of this proceeding. (CERTIFIED FOR PUBLICATION)
MORRISON, J.
We concur: Blease, Acting P.J.
 Hull, J.
- C034744 In re SARAH C. et al., DEPARTMENT OF HUMAN SERVICES v. TIFFANY R. (Not for Publication)**
The orders of the juvenile court are affirmed.
NICHOLSON, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C035822 In re GARY S. et al., DEPARTMENT OF HEALTH AND HUMAN SERVICES v. GARY S. (Not for Publication)**
The orders of the juvenile court are affirmed.
NICHOLSON, J.
We concur: Davis, Acting P.J.
 Raye, J.
- C036116 In re ALEXANDER I., DEPARTMENT OF HEALTH AND HUMAN SERVICES v. CYNTHIA B. (Not for Publication)**
The order is affirmed.
NICHOLSON, J.
We concur: Davis, Acting P.J.
 Callahan, J.